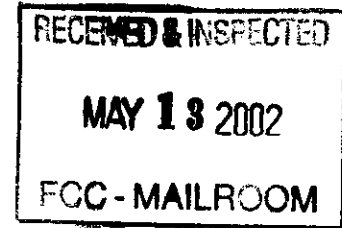




## STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC UTILITY CONTROL

May 3, 2002



William F. Caton, Acting Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: CC Docket No. 96-45, Federal-State Joint Board on Universal Service;  
and CC Docket No. 00-256, Multi-Association Group (MAG) Plan for  
Regulation of Interstate Services of Non-Price Cap Incumbent Local  
Exchange Carriers and Interexchange Carriers - Petition of the  
Connecticut Department of Public Utility Control for Expedited Waiver

Dear Secretary Caton:

Enclosed please find one original and four copies of the Connecticut  
Department of Public Utility Control's Petition for Expedited Waiver so that The  
Woodbury Telephone Company can avail itself of the first and second quarter  
2002 high cost support.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

*Louise E. Rickard*

Louise E. Rickard  
Acting Executive Secretary

Enc.

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service;	)	CC Docket No. 96-45
	)	
Multi-Association Group (MAG) Plan for	)	CC Docket No. 00-256
Regulation of Interstate Services of Non-Price Cap	)	
Incumbent Local Exchange Carriers and	)	
Interexchange Carriers	)	

**PETITION OF THE CONNECTICUT DEPARTMENT  
OF PUBLIC UTILITY CONTROL  
FOR EXPEDITED WAIVER**

Donald W. Downes  
Chairman

Glenn Arthur  
Vice-Chairman

Jack R. Goldberg  
Commissioner

John W. Betkoski, III  
Commissioner

Linda J. Kelly  
Commissioner

Connecticut Department of  
Public Utility Control

May 3, 2002

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
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Regulation of Interstate Services of Non-Price Cap	)
Incumbent Local Exchange Carriers and	)
Interexchange Carriers	)

**PETITION OF THE CONNECTICUT DEPARTMENT  
OF PUBLIC UTILITY CONTROL  
FOR EXPEDITED WAIVER**

The Connecticut Department of Public Utility Control (CTDPUC) respectfully requests an expedited waiver pursuant to the Federal Communications Commission's (Commission) Rules,<sup>1</sup> of the rural carrier certification requirement so that The Woodbury Telephone Company (Woodbury) can avail itself of the first and second quarter 2002 high cost support for which it was qualified to receive prior to the effective date of the Commission's Universal Service Order affecting rural carriers, released on May 23, 2001.

**I. BACKGROUND**

On May 23, 2001, the FCC released its Universal Service Order (Order).<sup>2</sup> The Order has a direct impact on rural carriers, such as Woodbury, and receipt of

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> In the Matter of Federal-State Joint Board on Universal Service; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, CC Docket No. 96-45; CC Docket No. 00-256, 16 FCC Rcd 11244; 2001 FCC LEXIS 2861, [\*], rel. May 23, 2001, Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256.

its high-cost universal service support. Specifically, the FCC delegated responsibility to the states for oversight of rural carriers' compliance with Section 254(e) of the 1996 Telecommunications Act (Act). Section 254(e) of the Act provides that any carrier that receives federal support "shall use that support only for the provision, maintenance and upgrading of facilities and services for which the support is intended." Previously, oversight of compliance with Section 254(e) of the Act applied to non-rural carriers. In this Order, the FCC concluded that the mandate in Section 254(e) applies to *all* carriers, rural and non-rural, that are designated as eligible to receive support under the Act.

Consequently, the Order requires the filing of an annual certification with the Commission and the Universal Service Administrative Company (USAC), on behalf of Woodbury, stating that all federal high-cost support provided to Woodbury within the state will be used only for the provision, maintenance and upgrading of facilities and services for which the support is intended.<sup>3</sup> Responsibility for filing of this certification has been placed with the states' regulatory authorities.<sup>4</sup> Therefore, Woodbury's support is dependent upon the CTDPU's filing of this certification.

The deadline for filing such certification with the Commission was October 1, 2001. Woodbury is the only rural incumbent local exchange carrier operating in Connecticut and unfortunately, it was not certified as an eligible telecommunications carrier by that date. The Order placed new responsibilities on the states relating to the regulatory oversight of those service providers.

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<sup>3</sup> Order at \*343-44.

<sup>4</sup> *Id.* at \*345.

Neither Woodbury nor the CTDPUc were aware of their roles and responsibilities with respect to the certification filing. This fact, coupled with the CTDPUc's primary attention directed to more urgent matters, caused a delay in the CTDPUc's certification filing for Woodbury beyond the October 1, 2001 deadline.

On February 19, 2002, the CTDPUc filed its certification by letter with the Commission and USAC. That letter also included a waiver request of the Commission's rules regarding the deadline for rural carrier certification to enable Woodbury to receive its high cost support for the first quarter 2002. As of this date, the Commission has not responded to the February 19, 2002 waiver. Therefore, with this filing, the CTDPUc seeks to expand its initial waiver request to include the second quarter 2002 to enable Woodbury to receive its support for both the first and second quarters of 2002.

The CTDPUc is extremely concerned by the fact that Woodbury has been informed that it has lost its high cost support absent a waiver from the Commission. The financial impact on Woodbury resulting from the loss of its federal high cost support is substantial. Woodbury's federal high cost universal service support averages approximately \$65,000 per month. As a rural carrier with approximately 25,000 access lines, Woodbury is extremely dependent upon federal high cost support for its serving area. The loss of such support would have a serious impact on Woodbury and on the small customer base served by this rural telephone carrier.

## II. CONCLUSION

The CTDPUC respectfully requests the Commission's consideration of an expedited waiver of the rural carrier certification requirement so that Woodbury can recover its high cost universal service support for the first and second quarter 2002.

Respectfully submitted,

CONNECTICUT DEPARTMENT  
OF PUBLIC UTILITY CONTROL

Donald W. Downes  
Chairman

Glenn Arthur  
Vice-Chairman

Jack R. Goldberg  
Commissioner

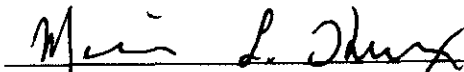
John W. Betkoski, III  
Commissioner

Linda J. Kelly  
Commissioner

May 3, 2002

Connecticut Department of  
Public Utility Control  
Ten Franklin Square  
New Britain, CT 06051

**CERTIFICATION**

A handwritten signature in black ink, appearing to read "Miriam L. Theroux", written over a horizontal line.

Miriam L. Theroux  
Commissioner of the Superior Court